

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TERRY SMITH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 2:22-cv-01667-MAT

ORDER GRANTING IN FORMA  
PAUPERIS APPLICATION AND  
DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

Plaintiff filed a *pro se* complaint against the Commissioner of the Social Security Administration along with an application to proceed *in forma pauperis* and a motion for appointment of counsel. Dkt. 6, 7. Having considered Plaintiff's motions, the Court finds and concludes as follows:

(1) Plaintiff's application to proceed *in forma pauperis* is GRANTED. Pursuant to Rule 3 of the Supplemental Rules for Social Security Actions Under 42 U.S.C § 405(g) to the Federal Rules of Civil Procedure, the Clerk shall notify the Commissioner of the commencement of this action by transmitting a Notice of Electronic Filing to the Social Security Administration's Office of General Counsel and to the United States Attorney of the Western District of Washington.

(2) Plaintiff need not serve a summons and complaint, or file proof of service, under

1 Rule 4 of the Federal Rules of Civil Procedure.

2 (3) The Commissioner shall file a certified copy of the Administrative Record and any  
3 affirmative defenses within 60 days after notice of this action is given.

4 (4) Plaintiff's motion for appointment of counsel is DENIED. There is generally no  
5 right to appointment of counsel in a civil case. Although the Court may request counsel to represent  
6 a party proceeding *in forma pauperis* under 28 U.S.C. § 1915(e)(1), such motions are granted only  
7 in "exceptional circumstances." *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).  
8 Plaintiff has shown neither that his case is particularly likely to succeed on the merits nor that he  
9 is unable to articulate his claims *pro se* considering the complexity of the legal issues involved  
10 warranting appointment of counsel in this matter. *See id.*

11 (5) The Clerk is directed to send to Plaintiff a copy of this Order and a copy of the  
12 Notice of Initial Assignment and Consent to Proceed before a United States Magistrate Judge.

13 DATED this 4th day of January, 2023.

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16 MARY ALICE THEILER  
United States Magistrate Judge